

USBE LAW AND LICENSING COMMITTEE

Summary of Actions

April 5, 2024

9:00 AM

The meeting was conducted in a hybrid format via Zoom and in-person.

Members Present: Matt Hymas, Joseph Kerry (via Zoom), Carol Lear, LeAnn Wood (via Zoom), Molly Hart (via Zoom)

Committee Staff: Angie Stallings, Ben Rasmussen, Vanessa Barnes

Others Present: Malia Hite, Katy Challis, Leah Voorhies, Laurie Baefsky, Ashley Biehl (via Zoom), Stephen Matherly (via Zoom), Jennifer Throndsen, Sam Urie (via Zoom), Debbie Davis, Julie Lundell, Stephanie Patton

Chair Hymas called the meeting to order at 9:02 a.m.

4.1 Public Comment

- Annie Massey spoke to item #2.2, Research Sharing Agreement with Department of Health and Human Services (USBE230081RA).
- Rabecca Cisneros, Itineris Early College High School, spoke to items #2.5, R277-303, Educator Preparation Programs (Amendment) & #2.6, R277-301, Educator Licensing (Amendment).

4.2 Board Policy 2004: Board Member Communications (Amendment)

Committee Discussion: Per the board bylaws, three board members requested that this item be added to the agenda and the board executive committee approved the request. The proposed amendments will allow for a better exchange of information between board members.

Committee Action: Member Lear moved that the Committee amend the timelines in Draft 2, paragraph 4.a.i.-ii. and paragraph 5.c. to reflect three business days.

The motion passed unanimously.

Committee Action: Member Kerry moved that the Committee approve Board Policy 2004, Draft 2, as amended, and forward to the Board for approval. The motion passed unanimously.

MOTION FOR THE BOARD: The Committee recommends that the Board approve Board Policy 2004, Board Member Communications, Draft 3.

4.3 Research Data Sharing Agreement with Department of Health and Human Services (USBE230081RA)

Committee Discussion: The Department of Health and Human Services (DHHS) is seeking certain personally identifiable information from USBE for the purpose of investigating the efficacy of certain early childhood programs administered by DHHS.

DHHS early childhood programs strive to ensure young children are healthy and arrive at school ready to learn. The purpose of this study is to describe, analyze and evaluate the effect DHHS early childhood programs have on children's school readiness and continued success through third grade. The DHHS early childhood programs targeted for this evaluation are:

- 1) IDEA Part C Baby Watch Early Intervention
- 2) Women Infant Children (WIC)
- 3) Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program
- 4) Early Childhood Developmental Screening Ages and Stages Questionnaire (ASQ) program

Committee Action: Member Lear moved that the Committee approve the research data sharing agreement with the Department of Health and Human Services (USBE230081RA) and forward to the Board for approval.

The motion failed 2-2, with members Hart and Wood opposed and member Kerry absent.

MOTION FOR THE BOARD: No motion for the Board.

4.4 R277-490, Beverley Taylor Sorenson Elementary Arts Learning Program (Amendment)

Committee Discussion: R277-490 is being amended due to the passage of HB 1 from the 2024 Legislative Session. The new language requires USBE to

establish a uniform BTS grant amount. The draft changes establish the grant amount based on elementary school teacher average costs statewide or prior year certified BTS salaries.

Staff presented R277-490, Drafts 3 and 4, for consideration and approval.

Committee Action: Member Hymas moved that the Committee amend R277-490, Draft 4, to amend and move the defined term for “highly qualified school arts program educator” or “arts educator” by stating “arts educator” first and renumbering the term as Subsection (1).

The motion passed unanimously, with Member Kerry absent.

Committee Action: Member Hymas moved that the Committee approve R277-490, Draft 4, as amended, on first reading and forward to the Board for approval on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board approve R277-490, Beverley Taylor Sorenson Elementary Arts Learning Program, Draft 5, on second and final reading.

4.5 R277-303, Educator Preparation Programs (Amendment)

Committee Discussion: As a result of 2024 HB 208, staff recommends updating educator preparation program requirements. Legislation requires USBE to provide alternative pathways that don't require educator completion of the PRAXIS exam.

Staff presented R277-303, Draft 2, for consideration and approval.

Committee Action: Member Hymas moved that the Committee approve R277-303, Draft 2, on first reading and forward to the Board for approval on second and final reading.

The motion passed 3-1, with Member Lear opposed and Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board approve R277-303, Educator Preparation Programs, Draft 2, on second and final reading.

4.6 **R277-301, Educator Licensing (Amendment)**

Committee Discussion: Staff recommends amending the rule to update definitions, clarify the timing of license renewals, allow for one extension of an Associate license, update requirements for an Associate and Out of State license, update candidate appeal rights, and make technical changes. Additionally, staff recommends updates to be consistent with 2024 HB 208, which requires alternative pathways for educator licensure, which does not include completion of the PRAXIS exam.

Staff presented R277-301, Draft 4, for consideration and approval.

Committee Action: Member Hart moved that the Committee approve R277-301, Draft 4, on first reading and forward to the Board for approval on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board approve R277-301, Educator Licensing, Draft 4, on second and final reading.

4.7 **R277-115, Local Education Agency (LEA) Supervision and Monitoring Requirements of Third Party Providers and Contracts (Amendment & Continuation)**

Committee Discussion: R277-115 is approaching its five-year review. Action is required by the Board no later than its May Board meeting for the rule to be continued. Draft 1 incorporates feedback from internal audit and operations staff for updates to the rule.

Staff presented R277-115, Draft 1, for consideration and approval.

Committee Action: Member Hymas moved that the Committee amend Draft 1, Line 80 to read, "(b) An education service provider may not enroll or register a student at an LEA"

The motion passed unanimously, with Member Kerry absent.

Committee Action: Member Lear moved that the Committee continue and approve R277-115, Draft 1, as amended, on first reading and forward to the Board for continuation and approval on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board approve R277-115, Local Education Agency (LEA) Supervision and Monitoring Requirements of Third Party Providers and Contracts, Draft 2, on second and final reading.

4.8 R277-323, Public Educator Evaluation (New)

Committee Discussion: Staff has engaged in an extensive process to update USBE's teacher evaluation process in rule. Staff recommends adoption of R277-323, which adopts a new evaluation rating system, consistent with new statutory requirements. R277-323, which only applies to school districts and USDB, would be phased in over five years. If approved by the Board, staff recommends repeal of R277-531 and R277-533.

Staff presented R277-323, Draft 2, for consideration and approval.

Committee Action: Member Hart moved that the Committee approve R277-323, Draft 2, on first reading and forward to the Board for approval on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board approve R277-323, Public Educator Evaluation, Draft 2, on second and final reading.

4.9 R277-531, Public Educator Evaluation Requirements (Repeal)

Committee Discussion: This is a companion agenda item to the proposed adoption of Rule R277-323. Assuming the committee approves adoption of the new rule, staff recommends repeal of R277-531.

Staff presented R277-531 for repeal.

Committee Action: Member Hymas moved that the Committee repeal R277-531 and R277-533 on first reading and recommend the Board repeal the rules on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board repeal R277-531, Public Educator Evaluation Requirements, on second and final reading.

4.10 R277-533, Educator Evaluation Systems (Repeal)

Committee Discussion: This is a companion agenda item to the proposed adoption of Rule R277-323. Assuming the committee approves adoption of the new rule, staff recommends repeal of R277-533.

Staff presented R277-533 for repeal.

Committee Action: Member Hymas moved that the Committee repeal R277-531 and R277-533 on first reading and recommend the Board repeal the rules on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board repeal R277-533, Educator Evaluation Systems, on second and final reading.

4.11 Utah Adult Education Policy and Procedures Guide (incorporated by reference in R277-733)

Committee Discussion: The Utah Adult Education Policy and Procedures Guide is incorporated by reference in R277-733. Adult education programs are required to use National Reporting System (NRS) approved assessments in programs and those assessments have been changed. Additional NRS approved assessments need to be added to the Utah Adult Education Policy and Procedures Guide. In addition, some records retention policies have been updated, as well as guidance and policy surrounding using adult education funds for participant child and dependent care and transportation. Some additional minor changes have been made for clarity.

Committee Action: Member Lear moved that the Committee approve the Utah Adult Education Policy and Procedures Guide, Draft 1, (incorporated by reference in R277-733) and forward to the Board for approval.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board approve the Utah Adult Education Policy and Procedures Guide, Draft 1.

4.12 R277-733, Adult Education Programs (Amendment)

Committee Discussion: Staff presented R277-733, Draft 1, for consideration and approval.

Committee Action: Member Lear moved that the Committee approve R277-733, Draft 1, on first reading and forward to the Board for approval on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board approve R277-733, Adult Education Programs, Draft 1, on second and final reading.

4.13 R277-929, State Council on Military Children (Amendment)

Committee Discussion: Staff has recently finished accepting applications for Utah's fourth cohort of purple star schools. Based on feedback from participant schools and stakeholders, staff recommends updates to program requirements.

Staff presented R277-929, Draft 1, for consideration and approval.

Committee Action: Member Hymas moved that the Committee approve R277-929, Draft 1, on first reading and forward to the Board for approval on second and final reading.

The motion passed unanimously, with Member Kerry absent.

MOTION FOR THE BOARD: The Committee recommends that the Board approve R277-929, State Council on Military Children, Draft 1, on second and final reading.

The meeting adjourned at 11:57 a.m.